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FILE #9

# CONSTITUTION OF NORTH CAROLINA

A LITERAL PRINT OF THE TEXT  
OF THE CONSTITUTION AS IT  
READ ON JANUARY 1, 1969

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CONSTITUTION OF NORTH CAROLINA

A Literal Print of the Text  
of the Constitution As It  
Read on January 1, 1969

Edited by

John L. Sanders

Director

Institute of Government

INSTITUTE OF GOVERNMENT

The University of North Carolina  
at Chapel Hill

1969



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## PREFACE

The present Constitution of North Carolina was adopted in 1868. In the intervening century, it has been amended 69 times. Each amendment has affected from one to more than thirty sections of the Constitution.

The published texts of the Constitution are all the products of successive reprintings of the Constitution, each of them based on an earlier printed text with changes as required by intervening amendments. In this process, unauthorized editorial (as well as accidental) changes have occurred in wording, spelling, capitalization, punctuation, and paragraphing, and these changes often have been carried forward from one edition to the next. Unofficial, editorially-supplied section captions have not been distinguished from those supplied as part of the official texts of amendments. Thus there has been no such thing as a single, literally correct text of the Constitution as amended to date. This edition of the Constitution of North Carolina is the product of an effort to supply that deficiency.

In preparing this edition of the Constitution as it read on January 1, 1969, I have worked entirely from the official, enrolled text of the Constitution of 1868 and from the official, enrolled acts of the General Assembly submitting amendments to the voters, as these are the only entirely authentic sources of the constitutional texts.<sup>1</sup> In one instance, it was necessary to rely on less authentic materials: diligent search failed to discover the enrolled ordinances of the Convention of 1875

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1. These documents are all in the custody of the Secretary of State, Raleigh.



and so a combination of the manuscript records of that Convention<sup>2</sup> and of the printed editions of its ordinances<sup>3</sup> has been used.

The result is a literal rendering of the Constitution as amended to the end of 1968. The text includes two amendments ratified on November 5, 1968. No editorial standardization has been attempted except that essential in rendering manuscript into type. Wording, spelling, capitalization, abbreviations, symbols, underscoring, numbers, and paragraphing follow the enrolled texts as closely as diligent effort could make them do so. The irregular appearance of the resulting document faithfully reflects the varying practices of legislative draftsmen and enrolling clerks over a century.

The enrolled Constitution of 1868 had article captions but no section captions. The first section captions appeared in an edition of the Constitution published in 1874,<sup>4</sup> and were entirely unofficial editorial insertions. These captions, however, by custom became the source of those used in subsequent prints of the Constitution. Amendments to the Constitution rewriting or adding sections have sometimes included section captions and sometimes they have not. Since it could, under some circumstances, make a material difference in the interpretation of a section whether its caption was a part of the amendment as approved by the General Assembly and ratified by the people or was the unofficial insertion of an editor, the two types of captions have been differentiated in this document. Each caption that was part

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2. In the custody of the State Department of Archives and History, Raleigh.

3. Johnstone Jones and John Reilly, eds., Amendments to the Constitution of North Carolina, Proposed by the Constitutional Convention of 1875, and the Constitution As It Will Read as Proposed to Be Amended (Raleigh: Josiah Turner, 1875); Ordinances (n.p., n.d.).

4. John H. Wheeler, ed., The Legislative Manual and Political Register of the State of North Carolina (Raleigh: Josiah Turner, Jr., 1874), 57-82.





of the enrolled amendment as approved by the General Assembly and the voters is set out without brackets, and is underscored only if it was underscored in the original. Each caption that has been editorially inserted is set out within brackets, [thus]. The texts of those editorial captions are those found in the text of the Constitution as printed in the General Statutes of North Carolina.

In a very few instances, editorial footnotes have been added to explain matters not otherwise intelligible.

On the left-hand page, facing the text of the Constitution, are annotations showing the derivation of each section. No section has been traced to its pre-1868 origin, although many provisions (especially in Article I) can be traced to the Constitution of 1776 or the Amendments of 1835. Each amendment that has affected the text of a section at any time has been cited in the annotations, although a subsequent amendment may have obliterated all trace of the earlier amendment. The abbreviations used in these amendments are explained on page iv.

I acknowledge with thanks the courtesy and helpfulness of the Secretary of State, Mr. Thad Eure, and his staff in this undertaking.

February 1969

John L. Sanders



## GLOSSARY OF ANNOTATIONS

"Const. 1868": Constitution of North Carolina as ratified in 1868.

"Conv. 1875": Ordinances of the North Carolina Constitutional  
Convention of 1875.

"Pub. Laws ---": North Carolina Public Laws of the indicated session.

"Sess. Laws ---": North Carolina Session Laws of the indicated session.

"Rewritten": The entire text of the section or subsection was restated  
in the cited amendment.

"Amended": A portion of the section or subsection was altered without  
the whole being restated in the cited amendment.

"Renumbered": The number of the section was changed without alteration  
of the text by the cited amendment.



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Constitution of North Carolina

[Original Title Page]

## PREAMBLE

Const. 1868, Preamble.

## ARTICLE I

### Preface

Const. 1868, art. I, preface.

### Sec. 1

Const. 1868, art. I, § 1; rewritten, Sess. Laws 1945,  
ch. 634, § 1.



# Constitution of North Carolina.

## Preamble.

We the people of the State of North Carolina, grateful to Almighty God, the Sovereign Ruler of Nations, for the preservation of the American Union, and the existence of our civil, political and religious liberties, and acknowledging our dependence upon Him, for the continuance of those blessings to us and our posterity, do, for the more certain security thereof, and for the better government of this State, ordain and establish this Constitution.

## Article I.

### Declaration of Rights.

That the great, general and essential principles of liberty and free government, may be recognized and established, and that the relations of this State to the Union and government of the United States, and those of the people of this State to the rest of the American people, may be defined and affirmed, we do declare;

#### Section 1. The equality and rights of persons.

That we hold it to be self-evident that all persons are created equal; that they are endowed by their Creator with certain inalienable rights; that among these are life, liberty, the enjoyment of the fruits of their own labor, and the pursuit of happiness.

Sec. 2

Const. 1868, art. I, § 2.

Sec. 3

Const. 1868, art. I, § 3.

Sec. 4

Const. 1868, art. I, § 4.

Sec[.] 2 [Political power and government.] That all political power is vested in, and derived from the people; all government of right originates from the people, is founded upon their will only, and is instituted solely for the good of the whole.

Sec[.] 3. [Internal government of the State.] That the people of this State have the inherent, sole, and exclusive right of regulating the internal government and police thereof, and of altering and abolishing their Constitution and form of government, whenever it may be necessary to their safety and happiness; but every such right should be exercised in pursuance of law, and consistently with the Constitution of the United States.

Sec[.] 4. [That there is no right to secede.] That this State shall ever remain a member of the American Union; that the people thereof are part of the American nation; that there is no right on the part of this State to secede, and that all attempts from whatever source or upon whatever pretext, to dissolve said Union, or to sever said nation, ought to be resisted with the whole power of the State.

Sec. 5

Const. 1868, art. I, § 5.

Sec. 6

Const. 1868, art. I, § 6; amended, Pub. Laws 1871-72, ch. 53, and Pub. Laws 1872-73, ch. 85; amended, Pub. Laws 1879, ch. 268.

Sec. 5. [Of allegiance to the United States government.] That every citizen of this State owes paramount allegiance to the Constitution and Government of the United States, and that no law or ordinance of the State in contravention or subversion thereof, can have any binding force.

Sec. 6. [Public debt; bonds issued under ordinance of Convention of 1868, '68-'69, '69-'70, declared invalid; exception.] the State shall never assume or pay, or authorize the collection of, any debt or obligation, express or implied, incurred in aid of insurrection or rebellion against the United States, or any claim for the loss or emancipation of any slave. Nor shall the General Assembly assume, or pay, or authorize the collection of any tax to pay, either directly or indirectly, expressed or implied, any debt or bond incurred, or issued, by authority of the convention of the year one thousand eight hundred and sixty eight, nor shall any debt or bond, incurred or issued by the Legislature of the year one thousand eight hundred and sixty eight, either at its special session of the year one thousand eight hundred and sixty eight, or at its regular sessions of the years one thousand eight

Sec. 7

Const. 1868, art. I, § 7; rewritten, Sess. Laws 1945,  
ch. 634, § 1.

Sec. 8

Const. 1868, art. I, § 8.

Sec. 9

Const. 1868, art. I, § 9.

hundred and sixty eight and one thousand eight  
hundred and sixty nine and one thousand eight  
hundred and sixty-nine and one thousand eight  
hundred and seventy except the bonds issued to  
fund the interest on the old debt of the state  
unless the proposing to pay the same shall have  
first been submitted to the people and by them  
ratified by the vote of a majority of all the  
qualified voters of the State, at a regular  
election held for that purpose.

Sec. 7. Exclusive emoluments, et cetera.

No person or set of persons are entitled to  
exclusive or separate emoluments or privileges  
from the community but in consideration of  
public services.

Sec. 8. [The legislative, executive, and  
judicial powers distinct.] The legislative,  
executive, and supreme judicial powers of the  
government ought to be forever separate and  
distinct from each other.

Sec. 9. [Of the power of suspending laws.]

All power of suspending laws, or the execution  
of laws, by any authority, without the consent  
of the representatives of the people, is injurious  
to their rights, and ought not to be exercised.

Sec. 10

Const. 1868, art. I, § 10.

Sec. 11

Const. 1868, art. I, § 11; rewritten, Sess. Laws 1945,  
ch. 634, § 1.

Sec. 12

Const. 1868, art. I, § 12; amended, Sess. Laws 1949,  
ch. 579.

Sec. 13

Const. 1868, art. I, § 13; rewritten, Sess. Laws 1945,  
ch. 634, § 1.



Sec. 10. [Elections free.] All elections ought to be free.

Sec. 11. In criminal prosecutions. In all criminal prosecutions, every person charged with crime has the right to be informed of the accusation and to confront the accusers and witnesses with other testimony, and to have counsel for defense, and not be compelled to give self-incriminating evidence, or to pay costs, jail fees, or necessary witness fees of the defense, unless found guilty.

Sec. 12. [Answers to criminal charges.] No person shall be put to answer any criminal charge, except as hereinafter allowed, but by indictment, presentment, or impeachment. But any person, when represented by counsel, may, under such regulations as the Legislature shall prescribe, waive indictment in all except capital cases.

Sec. 13. Right of jury. No person shall be convicted of any crime but by the unanimous verdict of a jury of good and lawful persons in open court. The Legislature may, however, provide other means of trial, for petty misdemeanors, with the right of appeal.

Sec. 14

Const. 1868, art. I, § 14.

Sec. 15

Const. 1868, art. I, § 15.

Sec. 16

Const. 1868, art. I, § 16.

Sec. 17

Const. 1868, art. I, § 17.

Sec. 14. [Excessive bail.] Excessive bail should not be required, nor excessive fines imposed, nor cruel or unusual punishments inflicted.

Sec. 15. [General warrants.] General warrants, whereby any officer or messenger may be commanded to search suspected places, without evidence of the act committed, or to seize any person or persons not named, whose offence is not particularly described and supported by evidence, are dangerous to liberty and ought not to be granted.

Sec. 16. [Imprisonment for debt.] There shall be no imprisonment for debt in this State, except in cases of fraud.

Sec. 17. [No person taken, etc., but by law of land.] No person ought to be taken, imprisoned or disseized of his freehold, liberties or privileges, or outlawed, or exiled, or in any manner deprived of his life, liberty, or property, but by the law of the land.

Sec. 18

Const. 1868, art. I, § 18.

Sec. 19

Const. 1868, art. I, § 19; rewritten, Sess. Laws 1945,  
ch. 634, § 1.

Sec. 20

Const. 1868, art. I, § 20.

Sec. 21

Const. 1868, art. I, § 21.

Sec. 22

Const. 1868, art. I, § 22.

Sec. 18. [Persons restrained of liberty.]

Every person restrained of his liberty, is entitled to a remedy to enquire into the lawfulness thereof, and to remove the same, if unlawful, and such remedy ought not to be denied or delayed.

Sec. 19. Controversies at law respecting property. In all controversies at law respecting property, the ancient mode of trial by jury is one of the best securities of the rights of the people, and ought to remain sacred and inviolable. No person shall be excluded from jury service on account of sex.

Sec. 20. [Freedom of the press.] The freedom of the press is one of the great bulwarks of liberty, and therefore ought never to be restrained, but every individual shall be held responsible for the abuse of the same.

Sec[.] 21. [Habeas corpus.] The privilege of the writ of habeas corpus shall not be suspended.

Sec[.] 22. [Property qualification.] As political rights and privileges are not dependent upon or modified by property, therefore no property qualification ought to affect the right to vote or hold office[.]

Sec. 23

Const. 1868, art. I, § 23.

Sec. 24

Const. 1868, art. I, § 24; amended, Conv. 1875, ch. 2.

Sec. 25

Const. 1868, art. I, § 25; amended, Conv. 1875, ch. 1.

Sec. 23. [Representation and taxation.] The people of this State ought not to be taxed, or made subject to the payment of any impost or duty, without the consent of themselves, or their representatives in General Assembly, freely given.

Sec. 24. [Militia and the right to bear arms.] A well regulated militia being necessary to the security of a free State, the right of the people to keep and bear arms shall not be infringed; and, as standing armies, in time of peace, are dangerous to liberty, they ought not to be kept up, and the military should be kept under strict subordination to, and governed by, the civil power. Nothing herein shall justify the practice of carrying concealed weapons, or prevent the Legislature from enacting penal statutes against said practice.

Sec. 25. [Right of the people to assemble together.] The people have a right to assemble together to consult for their common good, to instruct their representatives, and to apply to the Legislature for redress of grievances. But secret political societies are dangerous to the liberties of a free people, and should not be tolerated.

Sec. 26

Const. 1868, art. I, § 26; rewritten, Sess. Laws 1945,  
ch. 634, § 1.

Sec. 27

Const. 1868, art. I, § 27.

Sec. 28

Const. 1868, art. I, § 28.

Sec. 29

Const. 1868, art. I, § 29.

Sec. 30

Const. 1868, art. I, § 30.

Sec. 31

Const. 1868, art. I, § 31.



Sec. 26. Religious liberty. All persons have a natural and inalienable right to worship Almighty God according to the dictates of their own consciences, and no human authority should, in any case whatever, control or interfere with the rights of conscience.

Sec. 27. [Education.] The people have a right to the privilege of education, and it is the duty of the State to guard and maintain that right.

Sec. 28. [Elections should be frequent.] For redress of grievances, and for amending and strengthening the laws, elections should be often held.

Sec. 29. [Recurrence to fundamental principles.] A frequent recurrence to fundamental principles is absolutely necessary to preserve the blessings of liberty.

Sec. 30. [Hereditary emoluments, etc.] No hereditary emoluments, privileges, or honors, ought to be granted or conferred in this State.

Sec. 31. [Perpetuities, etc.] Perpetuities and monopolies are contrary to the genius of a free State, and ought not to be allowed.

Sec. 32

Const. 1868, art. I, § 32.

Sec. 33

Const. 1868, art. I, § 33.

Sec. 34

Const. 1868, art. I, § 34.

Sec. 35

Const. 1868, art. I, § 35.

Sec. 32. [Ex post facto laws.] Retrospective laws, punishing acts committed before the existence of such laws, and by them only declared criminal, are oppressive, unjust and incompatible with liberty, wherefore, no ex post facto law ought to be made. No law taxing retrospectively, sales, purchases, or other acts previously done, ought to be passed.

Sec. 33. [Slavery prohibited.] Slavery and involuntary servitude, otherwise than for crime whereof the parties shall have been duly convicted, shall be, and are hereby forever prohibited within this State.

Sec. 34. [State boundaries.] The limits and boundaries of the State shall be and remain as they now are.

Sec. 35. [Courts shall be open.] All courts shall be open, and every person for an injury done him in his lands, goods, person, or reputation, shall have remedy by due course of law, and right and justice administered without sale, denial, or delay.

Sec. 36

Const. 1868, art. I, § 36.

Sec. 37

Const. 1868, art. IV, § 5; transferred and rewritten,  
Sess. Laws 1961, ch. 313, § 2.

Sec. 38

Const. 1868, art. I, § 37; renumbered, Sess. Laws,  
1961, ch. 313, § 2.

Sec. 36. [Soldiers in time of peace.] No soldier shall, in time of peace, be quartered in any house without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Sec. 37. Treason against the State. Treason against the State shall consist only in levying war against it or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses to the same overt act, or on confession in open court. No conviction of treason or attainder shall work corruption of blood or forfeiture.

Sec. 38. [Other rights of the people.] This enumeration of rights shall not be construed to impair or deny others, retained by the people; and all powers, not herein delegated, remain with the people.

## ARTICLE II

### Sec. 1

Const. 1868, art. II, § 1.

### Sec. 2

Const. 1868, art. II, § 2; amended, Pub. Laws 1871-72, ch. 53, and Pub. Laws 1872-73, ch. 82; rewritten, Conv. 1875, ch. 3; rewritten, Sess. Laws 1955, ch. 1253.

### Sec. 3

Const. 1868, art. II, § 3.

### Sec. 4

Const. 1868, art. II, § 5; amended Public Laws 1871-72, ch. 53, and Pub. Laws 1872-73, ch. 81; rewritten, Sess. Laws 1967, ch. 640, § 1.

## Article II.

### Legislative Department.

Section 1. [Two branches.] The Legislative authority shall be vested in two distinct branches, both dependent on the people to wit; a Senate and House of Representatives.

Sec. 2. [Time of assembly.] The Senate and House of Representatives shall meet biennially on the first Wednesday after the first Monday in February next after their election, unless a different day shall be provided by law; and when assembled, shall be denominated the General Assembly. Neither house shall proceed upon public business unless a majority of all the members are actually present.

Sec. 3. [Number of Senators.] The Senate shall be composed of fifty Senators biennially chosen by ballot.

Sec. 4. Senate Districts; Apportionment of Senators. The Senators shall be elected from districts. The General Assembly shall, at the first regular Session convening after the return of every

Sec. 5

Const. 1868, art. II, § 6; rewritten, Sess. Laws 1961, ch. 459; rewritten, Sess. Laws 1967, ch. 640, § 2.

Sec. 6

Const. 1868, art. II, § 7; rewritten, Sess. Laws 1967, ch. 640, § 3.



decennial enumeration taken by order of Congress, revise the Senate Districts and the apportionment of Senators among those districts, subject to the following requirements:

(1) Each Senator shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each Senator represents being determined for this purpose by dividing the population of the district he represents by the number of Senators apportioned to that district;

(2) Each Senate District shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a Senate District;

(4) When established, the Senate Districts and the apportionment of Senators shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

The duty imposed upon the General Assembly by this section shall continue until performed.

Sec. 5. Number of Representatives. The House of Representatives shall be composed of 120 Representatives, biennially chosen by ballot.

Sec. 6. Representative Districts; Apportionment of Representatives. The Representatives shall be elected from districts. The General Assembly



shall, at the first regular Session convening after the return of every decennial enumeration taken by order of Congress, revise the Representative Districts and the apportionment of Representatives among those districts, subject to the following requirements:

(1) Each Representative shall represent, as nearly as may be, an equal number of inhabitants, the number of inhabitants which each Representative represents being determined for this purpose by dividing the population of the district he represents by the number of Representatives apportioned to that district;

(2) Each Representative District shall at all times consist of contiguous territory;

(3) No county shall be divided in the formation of a Representative District;

(4) When established, the Representative Districts and the apportionment of Representatives shall remain unaltered until the return of another decennial enumeration taken by order of Congress.

The duty imposed upon the General Assembly by this Section shall continue until performed.

Sec. [7] 9

Const. 1868, art. II, § 9.

Sec. [7] 9.<sup>1</sup> [Qualifications for senators.] Each member of the senate shall be not less than twenty five years of age, shall have resided in the State as a citizen two years, and shall have usually resided in the district for which he is chosen, one year immediately preceding his election.

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1. The Convention of 1875, by Chapter 4 of its Ordinances, repealed original Art. II, sec. 4 (the initial Senate district and apportionment plan), and by Chapter 5 it repealed original Art. II, sec. 8 (the initial House apportionment plan), without providing in either case for the renumbering of subsequent sections of that article. In subsequent prints of the Constitution, the remaining sections of the article in practice have been renumbered to close up the gaps left by the repeals. Subsequent amendments to some of the affected sections have given formal sanction to their new numbers (e.g., Sec. 5), as have sections added since 1875. In this text, the original--and presumably official--section numbering has been retained, with the commonly-used numbers (where they differ from the original numbers) being set out in brackets. Where an amendment has expressly sanctioned a new section number, it has been treated as official.

Sec. 8

Const. 1868, art. II, § 10; amended, Sess. Laws 1967,  
ch. 640, § 5.

Sec. [9] 11

Const. 1868, art. II, § 11.

Sec. [10] 12

Const. 1868, art. II, § 12.

Sec. [11] 13

Const. 1868, art. II, § 13.

Sec. 8. [Qualifications for representatives.]

Each member of the House of Representatives shall be a qualified elector of the State, and shall have resided in the district for which he is chosen, for one year immediately preceding his election.

Sec. [9] 11. [Election of officers.] In the election of all officers, whose appointment shall be conferred upon the General Assembly by the Constitution, the vote shall be viva voce.

Sec. [10] 12. [Powers in relation to divorce and alimony.] The General Assembly shall have power to pass general laws regulating divorce and alimony, but shall not have power to grant a divorce or secure Alimony in any individual case.

Sec. [11] 13. [Private laws in relation to names of persons, etc.] The General Assembly shall not have power to pass any private law to alter the name of any person, or to legitimate any person not born in lawful wedlock, or to restore to the rights of citizenship any person convicted of an infamous crime, but shall have power to pass general laws regulating the same.

Sec. [12] 14

Const. 1868, art. II, § 14.

Sec. 13

Const. 1868, art. II, § 15; rewritten, Sess. Laws 1951, ch. 1003; rewritten, 1967, ch. 640, § 4.

Sec. [14] 16

Const. 1868, art. II, § 16.



Sec. [12] 14. [Thirty days' notice shall be given anterior to passage of private laws.] The General Assembly shall not pass any private law, unless it shall be made to appear, that thirty day's notice of application to pass such law shall have been given, under such direction, and in such manner as shall be provided by law.

Sec. 13. Vacancies. Every vacancy occurring in the membership of the General Assembly by reason of death, resignation, or other cause shall be filled in the manner prescribed by law.

Sec. [14] 16. [Revenue.] No law shall be passed to raise money on the credit of the State, or to pledge the faith of the State directly or indirectly for the payment of any debt, or to impose any tax upon the people of the State, or to allow the counties, cities or towns to do so, unless the bill for the purpose shall have been read three several times in each House of the General Assembly, and passed three several readings, which readings shall

Sec. [15] 17

Const. 1868, art. II, § 17.

Sec. [16] 18

Const. 1868, art. II, § 18.

Sec. [17] 19

Const. 1868, art. II, § 19.

Sec. [18] 20

Const. 1868, art. II, § 20.

Sec. [19] 21

Const. 1868, art. II, § 21.

have been on three different days, and agreed to by each House respectively, and unless the yeas and nays on the second and third readings of the bill shall have been entered on the Journal.

Sec. [15] 17. [Entails.] The General Assembly shall regulate entails in such manner as to prevent perpetuities.

Sec. [16] 18. [Journals.] Each House shall keep a journal of its proceedings, which shall be printed and made public immediately after the adjournment of the General Assembly.

Sec. [17] 19. [Protest.] Any member of either House may dissent from, and protest against, any act or resolve, which he may think injurious to the public, or any individual, and have the reasons of his dissent entered on the Journal.

Sec. [18] 20. [Officers of the House.] The House of Representatives shall choose their own Speaker and other officers.

Sec. [19] 21. [President of the Senate.] The Lieutenant-Governor shall preside in the Senate, but shall have no vote, unless it may be equally divided.

Sec. 20

Const. 1868, art. II, § 22; rewritten, Sess. Laws  
1961, ch. 466, § 1.

Sec. [21] 23.

Const. 1868, art. II, § 23.

Sec. [22] 24

Const. 1868, art. II, § 24.

Sec. 20. Other senatorial officers. The Senate shall elect from its membership a President Pro Tempore, who shall become President of the Senate upon the failure of the Lieutenant-Governor-elect to qualify, or upon succession by the Lieutenant-Governor to the office of Governor, or upon the death, resignation, or removal from office of the President of the Senate, and who shall serve until the expiration of his term of office as Senator.

During the physical or mental incapacity of the President of the Senate to perform the duties of his office, or during the absence of the President of the Senate, the President Pro Tempore shall preside over the Senate. The Senate shall elect its other officers.

Sec. [21] 23. [Style of the acts.] The style of the acts shall be, "The General Assembly of North Carolina do enact:".

Sec. [22] 24. [Powers of the General Assembly.] Each House shall be judge of the qualifications and elections of its own members, shall sit upon its own adjournment from day to day, prepare bills to be passed into laws, and the two Houses, may also jointly adjourn to any future day, or other place.

Sec. [23] 25

Const. 1868, art. II, § 25.

Sec. [24] 26

Const. 1868, art. II, § 26.

Sec. [25] 27

Const. 1868, art. II, § 27; rewritten, Conv. 1875, ch. 6.

Sec. [26] 28

Const. 1868, art. II, § 28.

Sec. [23] 25. [Bills and resolutions to be read three times, etc.] All bills and resolutions of a legislative nature, shall be read three times in each House, before they pass into laws; and shall be signed by the presiding officers of both Houses.

Sec. [24] 26. [Oath of members.] Each member of the General Assembly, before taking his seat, shall take an oath or affirmation that he will support the Constitution and laws of the United States, and the Constitution of the State of North Carolina, and will faithfully discharge his duty as a member of the Senate or House of Representatives.

Section: [25] 27. [Terms of office.] The terms of office for Senators and members of the House of Representatives shall commence at the time of their election.

Sec. [26] 28. [Yeas and nays.] Upon motion made and seconded in either House, by one fifth of the members present, the yeas and nays upon any question shall be taken and entered upon the journals.

Sec. 27

Const. 1868, art. II, § 29; rewritten, Conv. 1875, ch. 7; amended, Sess. Laws 1967, c. 640, § 6.

Sec. 28

Conv. 1875, ch. 8; rewritten, Pub. Laws 1927, ch. 203; rewritten, Sess. Laws 1949, ch. 1267; rewritten, Sess. Laws 1955, ch. 1169; rewritten, Sess. Laws 1967, ch. 391.



Section 27. [Election for members of the General Assembly.] The election for members of the General Assembly, shall be held for the respective Districts, at the places where they are now held, or may be directed hereafter to be held, in such manner as may be prescribed by law, on the first Thursday in August in the year One thousand Eight hundred and seventy, and every two years thereafter. But the General Assembly may change the time of holding the election.

Sec. 28. Compensation of Members and Officers of the General Assembly. The members and officers of the General Assembly shall receive for for their services a compensation to be established by the General Assembly. An increase in the compensation of members shall become effective at the beginning of the next regular Session of the General Assembly.

Sec. 29

Pub. Laws 1915, ch. 99; amended, Sess. Laws 1961,  
ch. 313, § 3.

Sec. 29. [Limitations upon power of General Assembly to enact private or special legislation.]  
The General Assembly shall not pass any local, private or special act or resolution:

Relating to health, sanitation and abatement of nuisances;

Changing the names of cities, towns and townships;

Authorizing the laying out, opening, altering, maintaining or discontinuing highways, streets or alleys;

Relating to ferries or bridges;

Relating to non-navigable streams;

Relating to cemeteries;

Relating to the pay of jurors;

Erecting new townships, or changing township lines, or establishing or changing the lines of school districts;

Remitting fines, penalties and forfeitures, or refunding moneys legally paid into the public treasury;

Sec. 30

Pub. Laws 1924 (Ex. Sess.), ch. 91.

Regulating labor, trade, mining or manufacturing;

Extending the time for the assessment or collection of taxes or otherwise relieving any collector of taxes from the due performance of his official duties or his sureties from liability;

Giving effect to informal wills and deeds;

Nor shall the General Assembly enact any such local, private or special act by the partial repeal of a general law, but the General Assembly may at any time repeal local, private or special laws enacted by it.

Any local, private or special act or resolution passed in violation of the provisions of this section shall be void.

The General Assembly shall have power to pass general laws regulating matters set out in this section.

Sec. 30. [Inviolability of sinking funds.]  
The General Assembly shall not use nor authorize to be used any part of the amount of any sinking fund for any purpose other than the retirement of the bonds for which said sinking fund has been created.

Sec. 31

Sess. Laws 1949, ch. 821.

Sec. 31. [Use of funds of Teachers' and State Employees' Retirement System restricted.]

The General Assembly shall not use, or authorize to be used, nor shall any agency of the State, public officer or public employee use or authorize to be used the funds, or any part of the funds, of the Teachers' and State Employees' Retirement System except for retirement system purposes. The funds of the Teachers' and State Employees' Retirement System shall not be applied, diverted, loaned to or used by the State, any State agency, State officer, public officer or employee except for purposes of the Retirement System: Provided, that nothing in this Section shall prohibit the use of said funds for the payment of benefits, administrative expenses and refunds as authorized by the Teachers' and State Employees' Retirement Law, nor shall anything in this provision prohibit the proper investment of said funds as may be authorized by law.

## ARTICLE III

### Sec. 1

Const. 1868, art. III, § 1; amended, Pub. Laws 1871-72, ch. 53, and Pub. Laws 1872-73, ch. 84; rewritten, Sess. Laws 1943, ch. 57.



### Article III.

#### Executive Department.

Section 1. Officers of the executive department; terms of office. The executive department shall consist of a Governor, in whom shall be vested the supreme executive power of the State; a Lieutenant Governor, a Secretary of State, an Auditor, a Treasurer, a Superintendent of Public Instruction, an Attorney General, a Commissioner of Agriculture, a Commissioner of Labor, and a Commissioner of Insurance, who shall be elected for a term of four years by the qualified electors of the State, at the same time and places and in the same manner as members of the General Assembly are elected. Their term of office shall commence on the first day of January next after their election, and continue until their successors are elected and qualified: Provided that the officers first elected shall assume the duties of their office ten days after the approval of this Constitution by the Congress of the United States, and shall hold their offices four years from and after the first day of January.

Sec. 2

Const. 1868, art. III, § 2; rewritten, Sess. Laws 1961,  
ch. 466, § 2.

Sec. 3

Const. 1868, art. III, § 3; rewritten, Pub. Laws 1925,  
ch. 88.

Sec. 4

Const. 1868, art. III, § 4.

Sec. 2. Qualifications of Governor and Lieutenant-Governor. No person shall be eligible for election to the office of Governor or Lieutenant-Governor, unless he shall have attained the age of 30 years, shall have been a citizen of the United States five years, and shall have been a resident of this State for two years next before the election; nor shall a person elected to either of these two offices be eligible for election to the next succeeding term of the same office.

Section three. [Returns of elections.] The return of every election for officers of the Executive Department shall be sealed up and transmitted to the seat of Government by the returning officer, directed to the Secretary of State. The return shall be canvassed and the result declared in such manner as may be prescribed by law. Contested elections shall be determined by a joint ballot of both houses of the General Assembly in such manner as shall be prescribed by law.

Sec. 4. [Oath of office for Governor.] The Governor, before entering upon the duties of his office, shall, in the presence of the members of both branches of the General Assembly, or before any Justice of the Supreme Court, take an oath or affirmation, that he

Sec. 5

Const. 1868, art. III, § 5.

Sec. 6

Const. 1868, art. III, § 6; amended, Pub. Laws 1871-72, ch. 53, and Pub. Laws 1872-72, ch. 82; amended, Sess. Laws 1953, ch. 621.

will support the Constitution and laws of the United States and of the State of North Carolina, and that he will faithfully perform the duties appertaining to the office of Governor to which he has been elected.

Sec. 5. [Duties of Governor.] The Governor shall reside at the seat of government of this State, and he shall, from time to time, give the General Assembly information of the affairs of the State, and recommend to their consideration such measures as he shall deem expedient[.]

Sec. 6. [Reprieves, commutations, and pardons.] The Governor shall have power to grant reprieves[,], commutations and pardons, after conviction, for all offences, (except in cases of impeachment) upon such conditions as he may think proper, subject to such regulations as may be provided by law relative to the manner of applying for pardons. He shall biennially communicate to the General Assembly each case of reprieve, commutation, or pardon granted; Stating the name of each convict, the crime for which he was convicted, the sentence and its date, the date of commutation, pardon, or reprieve, and the reasons therefor. The terms reprieves, commutations and pardons shall not include paroles. The General

Sec. 7

Const. 1868, art. III, § 7.

Sec. 8

Const. 1868, art. III, § 8.

Assembly is authorized and empowered to create a Board of Paroles, provide for the appointment of the members thereof, and enact suitable laws defining the duties and authority of such board to grant, revoke and terminate paroles. The Governor's power of paroles shall continue until July 1, 1955, at which time said power shall cease and shall be vested in such Board of Paroles as may be created by the General Assembly.

Sec. 7. [Reports from officers of the Executive Department and of public institutions.] The officers of the Executive Department and of the Public Institutions of the State, shall at least five days previous to each regular session of the General Assembly, severally report to the Governor, who shall transmit such reports, with his message, to the General Assembly; and the Governor may, at any time, require information in writing from the officers in the Executive Department upon any subject relating to the duties of their respective offices, and shall take care that the laws be faithfully executed.

Sec. 8. [Commander-in-Chief.] The Governor shall be Commander-in-Chief of the Militia of the State, except when they shall be called into the service of the United States.

Sec. 9

Const. 1868, art. III, § 9.

Sec. 10

Const. 1868, art. III, § 10; rewritten, Conv. 1875, ch. 9.

Sec. 11

Const. 1868, art. III, § 11; rewritten, Sess. Laws 1943,  
ch. 497.



Sec. 9. [Extra sessions of the General Assembly.]

The Governor shall have power, on extraordinary occasions, by and with the advice of the Council of State, to convene the General Assembly in extra session by his proclamation, stating therein the purpose or purposes for which they are thus convened.

Sec. 10. [Officers whose appointments are not otherwise provided for.] The Governor shall nominate, and by and with the advice and consent of a majority of the Senators elect, appoint all officers, whose offices are established by this Constitution, and whose appointments are not otherwise provided for.

Sec. 11. [Duties of the Lieutenant-Governor.]

The Lieutenant Governor shall be President of the Senate, but shall have no vote unless the Senate be equally divided. He shall receive such compensation as shall be fixed by the General Assembly.

Sec. 12

Const. 1868, art. III, § 12; rewritten, Sess. Laws  
1961, ch. 466, § 3.

Sec. 12. Succession to office of Governor.

The Lieutenant-Governor-elect shall become Governor upon the failure of the Governor-elect to qualify.

The Lieutenant-Governor shall become Governor upon the death, resignation, or removal from office of the Governor. The further order of succession to the office of Governor shall be prescribed by law.

A successor shall serve for the remainder of the term of the Governor whom he succeeds and until a new Governor is elected and qualified.

During the absence of the Governor from the State, or during the physical or mental incapacity of the Governor to perform the duties of his office, the Lieutenant-Governor shall be Acting Governor. The further order of succession as Acting Governor shall be prescribed by law.

The Governor may, by a written statement filed with the Secretary of State, declare that he is



physically incapable of performing the duties of his office, and may thereafter in the same manner declare that he is physically capable of performing the duties of his office.

The mental incapacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of two-thirds of all the members of each house of the General Assembly. Thereafter, the mental capacity of the Governor to perform the duties of his office shall be determined only by joint resolution adopted by a vote of a majority of all the members of each house of the General Assembly. In all cases, the General Assembly shall give the Governor such notice as it may deem proper and shall allow him an opportunity to be heard before a Joint Session of the General Assembly before it takes final action. When the General Assembly is not in Session, the Council of State, a majority of its members concurring, may convene it in Extra Session for the purpose of proceeding under this paragraph.

Removal of the Governor from office for any other cause shall be by impeachment.

Sec. 13

Const. 1868, art. III, § 13; amended, Pub. Laws 1871-72, ch. 53, and Pub. Laws 1872-73, ch. 84; rewritten, Sess. Laws 1943, ch. 57, § 2; amended, Sess. Laws 1953, ch. 1033, § 1; rewritten, Sess. Laws 1961, ch. 466, § 4.

Sec. 13. Duties of other executive officers.

The respective duties of the Secretary of State, Auditor, Treasurer, Superintendent of Public Instruction, Attorney General, Commissioner of Agriculture, Commissioner of Labor, and Commissioner of Insurance shall be prescribed by law. If the office of any of these officers shall be vacated by death, resignation, or otherwise, it shall be the duty of the Governor to appoint another to serve until his successor be elected and qualified. Every such vacancy shall be filled by election at the first election for members of the General Assembly that occurs more than 30 days after the vacancy has taken place, and the person chosen shall hold the office for the remainder of the unexpired term fixed in the first Section of this Article: Provided, that when a vacancy occurs in the office of any of the officers named in this Section and the term expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill the vacancy for the unexpired term of the office.

Upon the occurrence of a vacancy in the office of any one of these officers for any of the causes stated in the preceding paragraph, the Governor may

Sec. 17

Const. 1868, art. III, § 17; rewritten, Conv. 1875,  
ch. 10.

Sec. 18

Pub. Laws 1937, ch. 447.



Sec. [17]. [Department of Agriculture, Immigration, and Statistics.] The General Assembly shall establish a Department of Agriculture, Immigration and Statistics, under such regulations as may best promote the agricultural interests of the State, and shall enact laws for the adequate protection and encouragement of sheep husbandry.

Section 18. [Department of Justice.] The General Assembly is authorized and empowered to create a Department of Justice under the supervision and direction of the Attorney General, and to enact suitable laws defining the authority of the Attorney General and other officers and agencies concerning the prosecution of crime and the administration of the criminal laws of the state.

## ARTICLE IV

### Sec. 1

Const. 1868, art. IV, § 4; rewritten, Conv. 1875, ch. 11; rewritten, Sess. Laws 1961, ch. 313, § 1.

Const. 1868, art. IV, §§ 15, 16, and 17; rewritten, Conv. 1875, ch. 17; rewritten, Sess. Laws 1961, ch. 313, § 1.

### Sec. 2

Sess. Laws 1961, ch. 313, § 1.

### Sec. 3

Sess. Laws 1961, ch. 313, § 1.

ARTICLE IV.  
JUDICIAL DEPARTMENT.

Section 1. Division of judicial power.

The judicial power of the State shall, except as provided in Section 3 of this Article, be vested in a Court for the Trial of Impeachments and in a General Court of Justice. The General Assembly shall have no power to deprive the judicial department of any power or jurisdiction which rightfully pertains to it as a co-ordinate department of the government, nor shall it establish or authorize any courts other than as permitted by this Article.

Sec. 2. General Court of Justice. The General Court of Justice shall constitute a unified judicial system for purposes of jurisdiction, operation, and administration; and shall consist of an appellate division, a Superior Court division, and a District Court division.

Sec. 3. Judicial powers of administrative agencies. The General Assembly may vest in administrative agencies established pursuant to law such judicial powers as may be reasonably necessary as an incident to the accomplishment

Sec. 4

Const. 1868, art. IV, §§ 5, 6; rewritten, Sess. Laws 1961, ch. 313, § 1.

Sec. 5

Sess. Laws 1961, ch. 313, § 1; rewritten, Sess. Laws 1965, ch. 877.

Sec. 6

(1) Const. 1868, art. IV, § 8; rewritten, Conv. 1875, ch. 12; amended, Pub. Laws 1887, ch. 212; rewritten, Pub. Laws 1935, ch. 444; amended, Sess. Laws 1953, ch. 611; rewritten, Sess. Laws 1961, ch. 313, § 1.

of the purposes for which the agencies were created. Appeals from administrative agencies shall be to the General Court of Justice.

Sec. 4. Court for the Trial of Impeachments. The House of Representatives solely shall have the power of impeaching. The Court for the Trial of Impeachments shall be the Senate. When the Governor or Lieutenant-Governor is impeached, the Chief Justice shall preside over the Court. A majority of the members shall be necessary to a quorum, and no person shall be convicted without the concurrence of two-thirds of the Senators present. Judgment upon conviction shall not extend beyond removal from and disqualification to hold office in this State, but the party shall be liable to indictment and punishment according to law.

Sec. 5. Appellate division. The Appellate Division of the General Court of Justice shall consist of the Supreme Court and, when established by the General Assembly, an intermediate Court of Appeals.

Sec. 6. Supreme Court.

(1) Membership. The Supreme Court shall consist of a Chief Justice and six Associate Justices,

(2) Const. 1868, art. IV, § 9; rewritten, Conv. 1875,  
ch. 13; rewritten, Sess. Laws 1961, ch. 313, § 1.

Sec. 6A

Sess. Laws 1965, ch. 877.

but the General Assembly may increase the number of Associate Justices to not more than eight. In the event the Chief Justice is unable, on account of absence or temporary incapacity, to perform any of the duties placed upon him, the senior Associate Justice available is authorized to discharge such duties. The General Assembly may provide for the retirement of members of the Supreme Court and for the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

(2) Sessions of the Supreme Court. The sessions of the Supreme Court shall be held in the City of Raleigh unless otherwise provided by the General Assembly.

Sec. 6A. Court of Appeals. The structure, organization, and composition of the Court of Appeals, if established, shall be determined by the General Assembly. The Court shall have not less than five members, and may be authorized to sit in divisions, or other than en banc. Sessions of the Court shall be held at such times and places as the General Assembly may prescribe. The General Assembly may provide for the retirement of members of the Court of Appeals and for

Sec. 7

(1) Const. 1868, art. IV, § 12; rewritten, Conv. 1875, ch. 15; rewritten, Sess. Laws 1949, ch. 393; rewritten, Sess. Laws 1961, ch. 313, § 1.

Const. 1868, art. IV, § 14; rewritten, Conv. 1875, ch. 16; amended, Pub. Laws 1915, ch. 99; rewritten, Sess. Laws 1949, ch. 775; rewritten, Sess. Laws 1961, ch. 313, § 1.

(2) Const. 1868, art. IV, § 28; rewritten, Sess. Laws 1961, ch. 313, § 1.

Const. 1868, art. IV, § 12; rewritten, Conv. 1875, ch. 15; rewritten, Sess. Laws 1961, ch. 313, § 1.



the recall of such retired members to serve on that Court in lieu of any active member thereof who is, for any cause, temporarily incapacitated.

Sec. 7. Superior Courts.

(1) Superior Court districts. The General Assembly shall, from time to time, divide the State into a convenient number of Superior Court judicial districts and shall provide for the election of one or more Superior Court Judges for each district. Each regular Superior Court Judge shall reside in the district for which he is elected. The General Assembly may provide by general law for the selection or appointment of special or emergency Superior Court Judges not selected for a particular judicial district.

(2) Open at all times; sessions for trial of cases. The Superior Courts shall be open at all times for the transaction of all business except the trial of issues of fact requiring a jury. Regular trial sessions of the Superior Court shall be held at times fixed pursuant to a calendar of courts promulgated by the Supreme Court. At least two sessions for the trial of jury cases shall be held annually in each county.

(3) Const. 1868, art. IV, §§ 21, 22, and 25; rewritten,  
Sess. Laws 1961, ch. 313, § 1.

Sec. 8

Const. 1868, art. IV, § 4; rewritten, Conv. 1875, ch. 11;  
rewritten, Sess. Laws 1961, ch. 313, § 1.

Const. 1868, art. IV, § 19; rewritten, Sess. Laws 1961,  
ch. 313, § 1.

Conv. 1875, ch. 21; rewritten, Sess. Laws 1961, ch. 313,  
§ 1.

Const. 1868, art. IV, § 34; rewritten, Sess. Laws 1961,  
ch. 313, § 1.

(3) Clerks. A Clerk of the Superior Court for each county shall be elected for a term of four years by the qualified voters thereof, at the time and in the manner prescribed by law for the election of members of the General Assembly. If the office of Clerk of the Superior Court becomes vacant otherwise than by the expiration of the term, or if the people fail to elect, the senior regular resident Judge of the Superior Court serving the county shall appoint to fill the vacancy until an election can be regularly held.

Sec. 8. District Courts. The General Assembly shall, from time to time, divide the State into a convenient number of local court districts and shall prescribe where the District Courts shall sit; but a District Court must sit in at least one place in each county. District Judges shall be elected for each district for a term of four years, in a manner provided by law. When more than one District Judge is authorized and elected for a district, the Chief Justice of the Supreme Court shall designate one of the judges as Chief District Judge. Every District Judge shall reside in the district for which he

Sec. 9

Const. 1868, art. IV, § 14; rewritten, Conv. 1875, ch. 16;  
amended, Pub. Laws 1915, ch. 99; rewritten, Sess. Laws 1949,  
chs. 775, 1194; rewritten, Sess. Laws 1961, ch. 313, § 1.

is elected. For each county, the senior regular resident Judge of the Superior Court serving the county shall appoint for a term of two years, from nominations submitted by the Clerk of the Superior Court of the county, one or more Magistrates who shall be officers of the District Court. The number of District Judges and Magistrates shall, from time to time, be determined by the General Assembly. Vacancies in the office of District Judge shall be filled, for the unexpired term, in a manner provided by law. Vacancies in the office of Magistrate shall be filled, for the unexpired term, in the manner provided for original appointment to the office.

Sec. 9. Assignment of Judges. The Chief Justice of the Supreme Court, acting in accordance with rules of the Supreme Court, shall make assignments of Judges of the Superior Court and may transfer District Judges from one district to another for temporary or specialized duty. The principle of rotating Superior Court Judges among the various districts of a division is a salutary one and shall be observed. For this purpose the General Assembly may divide the State into a number of judicial divisions. Subject to the general supervision of the Chief Justice of the Supreme Court, assignment of District Judges within each local court district shall be made by the Chief District Judge.

Sec. 10

(1) Const. 1868, art. IV, § 10; amended, Conv. 1875, ch. 14; rewritten, Sess. Laws 1961, ch. 313, § 1.

Const. 1868, art. IV, § 11; rewritten, Sess. Laws, 1961, ch. 313, § 1.

(2) Sess. Laws 1965, ch. 877.

(3) Const. 1868, art. IV, §§ 14, 16, and 17; rewritten, Conv. 1875, ch. 17; rewritten, Sess. Laws 1961, ch. 313, § 1; renumbered, Sess. Laws 1965, ch. 877.

Sec. 10. Jurisdiction of the General Court of Justice.

(1) Supreme Court. The Supreme Court shall have jurisdiction to review upon appeal any decision of the courts below, upon any matter of law or legal inference. The jurisdiction of the Supreme Court over "issues of fact" and "questions of fact" shall be the same exercised by it prior to the adoption of this Article, and the Court shall have the power to issue any remedial writs necessary to give it a general supervision and control over the proceedings of the other courts. The Supreme Court shall have original jurisdiction to hear claims against the State, but its decisions shall be merely recommendatory; no process in the nature of execution shall issue thereon; the decisions shall be reported to the next Session of the General Assembly for its action.

(2) Court of Appeals. The Court of Appeals, if established, shall have such appellate jurisdiction as the General Assembly may provide.

(3) Superior Court. Except as otherwise provided by the General Assembly, the Superior Court shall have original general jurisdiction throughout the State. The Clerks of the Superior Court shall have such jurisdiction and powers as the General Assembly shall provide by general law uniformly applicable in every county of the State.

(4) Const. 1868, art. IV, §§ 15, 16, and 17; rewritten, Conv. 1875, ch. 17; rewritten, Sess. Laws 1961, ch. 313, § 1; renumbered, Sess. Laws 1965, ch. 877.

(5) Sess. Laws 1961, ch. 313, § 1; renumbered, Sess. Laws 1965, ch. 877.

(6) Const. 1868, art. IV, §§ 15, 16, and 17; rewritten, Conv. 1875, ch. 17; rewritten, Sess. Laws 1961, ch. 313, § 1; renumbered, Sess. Laws 1965, ch. 877.

#### Sec. 11

(1) Const. 1868, art. IV, § 1; rewritten, Sess. Laws 1961, ch. 313, § 1.



(4) District Courts; Magistrates. The General Assembly shall, by general law uniformly applicable in every local court district of the State, prescribe the jurisdiction and powers of the District Courts and Magistrates.

(5) Waiver. The General Assembly may by general law provide that the jurisdictional limits may be waived in civil cases.

(6) Appeals. The General Assembly shall, by general law, provide a proper system of appeals: Provided, that appeals from Magistrates shall be heard de novo, with the right of trial by jury as defined in this Constitution and the laws of this State.

Sec. 11. Forms of action; rules of procedure.

(1) Forms of action. There shall be in this State but one form of action for the enforcement or protection of private rights or the redress of private wrongs, which shall be denominated a civil action, and in which there shall be a right to have issues of fact tried before a jury. Every action prosecuted by the people of the State as a party against a person charged with a public offense, for the punishment of the same, shall be termed a criminal action.

(2) Conv. 1875, ch. 17; rewritten, Sess. Laws 1961,  
ch. 313, § 1.

Sec. 12

Const. 1868, art. IV, § 18; rewritten, Sess. Laws 1961,  
ch. 313, § 1.

Sec. 13

Sess. Laws 1961, ch. 313, § 1.

(2) Rules of procedure. The Supreme Court shall have exclusive authority to make rules of procedure and practice for the appellate division. The General Assembly shall have authority to make rules of procedure and practice for the Superior Court and District Court divisions, and the General Assembly may delegate this authority to the Supreme Court. No rule of procedure or practice shall abridge substantive rights or abrogate or limit the right of trial by jury. If the General Assembly should delegate to the Supreme Court the rule-making power, the General Assembly may, nevertheless, alter, amend, or repeal any rule of procedure or practice adopted by the Supreme Court for the Superior Court or District Court divisions.

Sec. 12. Waiver of jury trial. In all issues of fact joined in any court, the parties in any civil case may waive the right to have the same determined by a jury; in which case the finding of the judge upon the facts shall have the force and effect of a verdict by a jury.

Sec. 13. Administration. The General Assembly shall provide for an administrative office of the courts to carry out the provisions of this Article.

Sec. 14

Const. 1868, art. IV, §§ 26, 27; rewritten, Conv. 1875, ch. 18; rewritten, Sess. Laws 1961, ch. 313, § 1; rewritten, Sess. Laws 1965, ch. 877.

Sec. 15

(1) Conv. 1875, ch. 22; rewritten, Sess. Laws 1961, ch. 313, § 1; amended, Sess. Laws 1965, ch. 877.

Sec. 14. Terms of Office and Election of Justices of the Supreme Court, Judges of the Court of Appeals, and Judges of the Superior Court. Justices of the Supreme Court, Judges of the Court of Appeals, and regular judges of the Superior Court shall be elected by the qualified voters and shall hold office for terms of eight years and until their successors are elected and qualified. Justices of the Supreme Court and Judges of the Court of Appeals shall be elected by the qualified voters of the State. Regular Judges of the Superior Court may be elected by the qualified voters of the State or by the voters of their respective districts, as the General Assembly may provide.

Sec. 15. Removal of judges and clerks.

(1) Justices of Supreme Court, Judges of the Court of Appeals, and Judges of Superior Court. Any Justice of the Supreme Court, Judge of the Court of Appeals, or Judge of the Superior Court may be removed from office for mental or physical incapacity by Joint Resolution of two-thirds of both houses of the General Assembly. Any Justice or Judge against whom the General Assembly may be about to proceed shall receive notice thereof, accompanied by a copy of the

(2) Conv. 1875, ch. 22; rewritten, Sess. Laws 1961,  
ch. 313, § 1.

(3) Conv. 1875, ch. 22; rewritten, Sess. Laws 1961,  
ch. 313, § 1.

Sec. 16

(1) Conv. 1868, art. IV, § 29; rewritten, Pub. Laws  
1941, ch. 261; rewritten, Sess. Laws 1961, ch. 313, § 1.

causes alleged for his removal, at least twenty days before the day on which either house of the General Assembly shall act thereon. Removal from office for any other cause shall be by impeachment.

(2) District Judges and Magistrates. The General Assembly shall provide by general law for the removal of District Judges and Magistrates for misconduct or mental or physical incapacity.

(3) Clerks. Any Clerk of the Superior Court may be removed from office for misconduct or mental or physical incapacity by the senior regular resident Superior Court Judge serving the county. Any Clerk against whom proceedings are instituted shall receive written notice of the charges against him at least ten days before the hearing upon the charges. Clerks of District Courts shall be removed for such causes and in such manner as the General Assembly may provide by general law. Any Clerk so removed from office shall be entitled to an appeal as provided by law.

Sec. 16. Solicitors and solicitorial districts.

(1) Solicitors. The General Assembly shall, from time to time, divide the State into a convenient number of solicitorial districts, for each

(2) Sess. Laws 1961, ch. 313, § 1.

Sec. 17

Const. 1868, art. IV, § 31; rewritten, Conv. 1875, ch. 19;  
amended, Sess. Laws 1951, ch. 1082; amended, Sess. Laws 1953,  
ch. 1033, § 2; rewritten, Sess. Laws 1961, ch. 313, § 1.



of which a Solicitor shall be chosen for a term of four years by the qualified voters thereof, as is prescribed for members of the General Assembly. When the Attorney General determines that there is serious imbalance in the work loads of the Solicitors, or that there is other good cause, he shall recommend redistricting to the General Assembly. The Solicitor shall advise the officers of justice in his district, be responsible for the prosecution on behalf of the State of all criminal actions in the Superior Courts of his district, perform such duties related to appeals therefrom as the Attorney General may require, and perform such other duties as the General Assembly may prescribe.

(2) Prosecution in District Court division. Criminal actions in the District Court division shall be prosecuted in such manner as the General Assembly may prescribe by general law uniformly applicable in every local court district of the State.

Sec. 17. Vacancies. Unless otherwise provided in this Article, all vacancies occurring in the offices provided for by this Article shall be

Sec. 18

Sess. Laws 1961, ch. 313, § 1.

filled by appointment of the Governor, and the appointees shall hold their places until the next election for members of the General Assembly that is held more than thirty days after such vacancy occurs, when elections shall be held to fill such offices: Provided, that when the unexpired term of any of the offices named in this Article of the Constitution in which such vacancy has occurred, and in which it is herein provided that the Governor shall fill the vacancy, expires on the first day of January succeeding the next election for members of the General Assembly, the Governor shall appoint to fill that vacancy for the unexpired term of the office. If any person elected or appointed to any of said offices shall neglect and fail to qualify, such office shall be appointed to, held, and filled as provided in case of vacancies occurring therein. All incumbents of said offices shall hold until their successors are qualified.

Sec. 18. Revenues and expenses of the judicial department. The General Assembly shall provide for the establishment of a schedule of court fees and costs which shall be uniform throughout the State within each division of the

Sec. 19

Const. 1868, art. IV, § 23; rewritten, Sess. Laws 1961,  
ch. 313, § 1.

Sec. 20

Sess. Laws 1961, ch. 313, § 1.

General Court of Justice. The operating expenses of the judicial department, other than compensation to process servers and other locally paid non-judicial officers, shall be paid from State funds.

Sec. 19. Fees, salaries, and emoluments. The General Assembly shall prescribe and regulate the fees, salaries, and emoluments of all officers provided for in this Article; but the salaries of judges shall not be diminished during their continuance in office. In no case shall the compensation of any judge or magistrate be dependent upon his decision or upon the collection of costs.

Sec. 20. Effect of uniform general law requirement. Where the General Assembly is required by the provisions of this Article to enact only general laws uniformly applicable throughout the State or in every county or local court district thereof, no special, public-local, or private law shall be enacted relating to the subject-matter of those provisions, and every amendment or repeal of any law relating to such subject-matter shall also be general and uniform in its application and effect throughout the State.

Sec. 21

Sess. Laws 1961, ch. 313, § 1.

Sec. 21. Schedule. Immediately upon the certification by the Governor to the Secretary of State of the amendments constituting this Article, the Supreme Court and the Superior Courts shall be incorporated within the General Court of Justice, as provided in this Article. All Justices of the Supreme Court and Judges of the Superior Court shall continue to serve as such within the General Court of Justice for the remainder of their respective terms.

The statutes and rules governing procedure and practice in the Superior Courts and inferior courts, in force at the time the amendments constituting this Article are ratified by the people, shall continue in force until superseded or repealed by rules of procedure and practice adopted pursuant to Section 11(2) of this Article.

Upon certification of the Governor to the Secretary of State of the amendments constituting this Article, the General Assembly shall proceed, as rapidly as practicable, to provide for the creation of local court districts and the establishment of District Courts therein; District Courts shall be established to serve every county of the State by not later than January 1, 1971. As of January 1, 1971, all previously existing





courts inferior to the Superior Court shall cease to exist, and cases pending in these courts shall be transferred as provided in the next succeeding paragraph of this Section. Until a District Court has been thus established to serve a county, all of the courts of that county, including the Superior Court, shall continue to be financed and the revenues of these courts shall continue to be paid as they were immediately prior to the certification of the amendments constituting this Article; and the laws and rules governing these courts and appeals from the inferior courts to the Superior Court shall continue in force and shall be deemed to comply with the provisions of this Article.

As soon as a District Court has been established for a county, all of the provisions of this Article shall become fully effective with respect to the courts in that county, and all previously existing courts inferior to the Superior Court shall cease to exist. All cases pending in these inferior courts shall be transferred to the appropriate division of the General Court of Justice, and all records of these courts shall be transferred to the appropriate clerk's office pursuant to rule of the Supreme Court. Judges of



these inferior courts, except mayors' courts and justice of the peace courts, shall become District Judges and shall serve as such for remainders of their respective terms.

As soon as a District Court has been established to serve every county of the State, all of the provisions of this Article shall become fully effective throughout the State.

## ARTICLE V

### Sec. 1

Const. 1868, art. V, § 1; rewritten, Pub. Laws 1920  
(Ex. Sess.), ch. 93.

### Sec. 2

Const. 1868, art. V, § 2.

### Sec. 3

Const. 1868, art. V, § 3; amended, Pub. Laws 1917, ch. 119;  
amended, Pub. Laws 1920 (Ex. Sess.), ch. 93; amended, Pub. Laws  
1924 (Ex. Sess.), ch. 115; amended, Pub. Laws 1935, ch. 248;  
amended, Sess. Laws 1961, ch. 1169, § 2.

## Article V.

### Revenue and Taxation

Section 1. [Capitation tax; exemptions.] The General Assembly may levy a capitation tax on every male inhabitant of the State over twenty-one and under fifty years of age, which said tax shall not exceed two dollars, and cities and towns may levy a capitation tax which shall not exceed one dollar. No other capitation tax shall be levied. The commissioners of the several counties and of the cities and towns may exempt from the capitation tax any special cases on account of poverty or infirmity.

Sec. 2. [Application of proceeds of State and county capitation tax.] The proceeds of the State and County capitation tax shall be applied to the purposes of education and the support of the poor, but in no one year shall more than twenty five per cent, thereof, be appropriated to the latter purpose.

Sec. 3. State Taxation. The power of taxation shall be exercised in a just and equitable manner, for public purposes only, and shall never be surrendered, suspended, or contracted away.



Only the General Assembly shall have the power to classify property and other subjects for taxation, which power shall be exercised only on a State-wide basis. No class or subject shall be taxed except by uniform rule, and every classification shall be uniformly applicable in every county, municipality, and other local taxing unit of the State. The General Assembly's power to classify shall not be delegated, except that the General Assembly may permit the governing boards of counties, cities, and towns to classify trades and professions for local license tax purposes. The General Assembly may also tax trades, professions, franchises, and incomes, Provided the rate of tax on incomes shall not in any case exceed ten per cent (10%) and there shall be allowed the following exemptions to be deducted from the amount of annual incomes to-wit: for a married man with a wife living with him; or to a widow or widower having minor child or children, natural or adopted, not less than \$2,000; and to all other persons not less than \$1,000; and there may be allowed other deductions (not including living expenses) so that only net incomes are taxed.

Sec. 4

Const. 1868, art. V, § 5; amended, Pub. Laws 1923,  
ch. 145; amended, Pub. Laws 1935, ch. 248, § 3.



Sec. 4. Limitations upon the increase of public debts. The General Assembly shall have the power to contract debts and to pledge the faith and credit of the State and to authorize counties and municipalities to contract debts and pledge their faith and credit for the following purposes:

To fund or refund a valid existing debt;

To borrow in anticipation of the collection of taxes due and payable within the fiscal year to an amount not exceeding fifty per centum of such taxes;



To supply a casual deficit;

To suppress riots or insurrections, or to  
repel invasions.

For any purpose other than these enumerated,  
the General Assembly shall have no power, during  
any biennium, to contract new debts on behalf of  
the State to an amount in excess of two-thirds  
of the amount by which the State's outstanding  
indebtedness shall have been reduced during the  
next preceding biennium, unless the subject be  
submitted to a vote of the people of the State;  
and for any purpose other than these enumerated  
the General Assembly shall have no power to  
authorize counties or municipalities to contract  
debts, and counties and municipalities shall not  
contract debts, during any fiscal year, to an  
amount exceeding two-thirds of the amount by  
which the outstanding indebtedness of the partic-  
ular county or municipality shall have been reduced  
during the next preceding fiscal year, unless the  
subject be submitted to a vote of the people of  
the particular county or municipality. In any  
election held in the State or in any county or  
municipality under the provisions of this section,  
the proposed indebtedness must be approved by a

Sec. 5

Const. 1868, art. V, § 6; amended, Pub. Laws 1871-72, ch. 53, and Pub. Laws 1872-73, ch. 83; amended Pub. Laws 1935, ch. 444, § 2; rewritten, Sess. Laws 1961, ch. 1169, § 2.

majority of those who shall vote thereon. And the General Assembly shall have no power to give or lend the credit of the State in aid of any person, association or corporation, except to aid in the completion of such Rail Roads as may be unfinished at the time of the adoption of this Constitution, or in which the State has a direct pecuniary interest, unless the subject be submitted, to a direct vote of the people of the State, and be approved by a majority of those who shall vote thereon.

Sec[.] 5. [Property exempt from taxation.]

Property belonging to the State, counties and municipal corporations shall be exempt from taxation. The General Assembly may exempt cemeteries and property held for educational, scientific, literary, cultural, charitable, or religious purposes, and, to a value not exceeding three hundred dollars (\$300.00), any personal property. The General Assembly may exempt from taxation not exceeding one thousand dollars (\$1,000.00) in value of property held and used as the place of residence of the owner. Every exemption shall be on a State-wide basis and shall be

Sec. 6

Const. 1868, art. V, § 7; rewritten, Pub. Laws 1920  
(Ex. Sess.), ch. 93; rewritten, Sess. Laws 1951, ch. 142.

uniformly applicable in every county, municipality, and other local taxing unit of the State. No taxing authority other than the General Assembly may grant exemptions, and the General Assembly shall not delegate the powers accorded to it by this Section.

Section 6. Taxes levied for counties.

The total of the State and county tax on property shall not exceed twenty cents (20¢) on the one hundred dollars (\$100.00) value of property, except when the county property tax is levied for a special purpose and with the special approval of the General Assembly, which may be done by special or general act: Provided, this limitation shall not apply to taxes levied for the maintenance of the public schools of the State for the term required by Article 9, Section 3, of the Constitution: Provided, further, the State tax shall not exceed five cents (5¢) on the one hundred dollars (\$100.00) value of property.

Sec. [7] 8

Const. 1868, art. V, § 8.



Sec. [7] 8.<sup>2</sup> [Acts levying taxes shall state objects, etc.] Every act of the General Assembly, levying a tax, shall state the special object to which it is to be applied, and it shall be applied to no other purpose.

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2. The original Art. V, sec. 4, was repealed by Pub. Laws 1871-72, C. 53, and Pub. Laws 1872-73, C. 85, which did not provide for renumbering the subsequent sections of this article to close up the gap. All of the subsequent sections of Article V except this one have, in the interval, been rewritten and in the process have been officially renumbered. In current prints of the Constitution, this is designated as Sec. 7, although its official number apparently remains Sec. 8.

## ARTICLE VI

### Sec. 1

Const. 1868, art. VI, § 1; rewritten, Conv. 1875, ch. 24;  
rewritten, Pub. Laws 1900 (Ex. Sess.), ch. 2; rewritten,  
Sess. Laws 1945, ch. 634, § 2.

### Sec. 2

Const. 1868, art. VI, § 1; rewritten, Conv. 1875, ch. 24;  
rewritten, Pub. Laws 1900 (Ex. Sess.), ch. 2; amended, Pub.  
Laws 1920 (Ex. Sess.), ch. 93; amended, Sess. Laws 1953, ch. 972;  
amended, Sess. Laws 1961, ch. 591.

## Article VI.

### Suffrage and Eligibility to Office.

Section 1. Who may vote. Every person born in the United States, and every person who has been naturalized, twenty-one years of age, and possessing the qualifications set out in this article, shall be entitled to vote at any election by the people of the State, except as herein otherwise provided.

(Sec. 2.) [Qualifications of voters.] Any person who shall have resided in the State of North Carolina for one year, and in the precinct, ward or other election district in which such person offers to vote for thirty days next preceding an election, and possessing the other qualifications set out in this Article, shall be entitled to vote at any election held in this State; provided, that removal from one precinct, ward or other election district to another in this State shall not operate to deprive any person of the right to vote in the precinct, ward or other election district from which such person has removed until thirty days after such removal. No person who has

Sec. 3

Const. 1868, art. VI, § 2; rewritten, Pub. Laws 1900  
(Ex. Sess.), ch. 2.

been convicted, or who has confessed his guilt in open Court upon indictment, of any crime, the punishment of which now is, or may hereafter be, imprisonment in the State's Prison, shall be permitted to vote unless the said person shall be first restored to citizenship in the manner prescribed by law.

The General Assembly may, however, reduce the time of residence, preceding a Presidential Election, for a person possessing all other qualifications of a voter, in which such person shall be entitled to vote for the choice of electors for President and Vice President of the United States only. Any person eligible to vote for electors for President and Vice President of the United States by reason of a reduction in time of residence shall not thereby become eligible to hold office in this State.

(Sec. 3.) [Voters to be registered.] Every person offering to vote shall be at the time a legally registered voter as herein prescribed and in the manner hereafter provided by law, and the General Assembly of North Carolina shall enact general registration laws to carry into effect the provisions of this Article.

Sec. 4

Pub. Laws 1900 (Ex. Sess.), ch. 2; amended, Pub. Laws  
1920, ch. 93.

(Sec. 4.) [Qualifications for registration.]

Every person presenting himself for registration shall be able to read and write any section of the Constitution in the English language; But no male person, who was, on January first 1867, or at any time prior thereto, entitled to vote under the laws of any State in the United States wherein he then resided, and no lineal descendant of any such person shall be denied the right to register and vote at any election in this State by reason of his failure to possess the educational qualifications herein prescribed: Provided, he shall have registered in accordance with the terms of this section prior to December 1st, 1908.

The General Assembly shall provide for the registration of all persons entitled to vote without the educational qualifications herein prescribed, and shall, on or before November 1st, 1908, provide for the making of a permanent record of such registration, and all persons so registered shall forever thereafter have the right to vote in all elections by the people of this State, unless disqualified under Section 2 of this Article;[.]

Sec. 5

Pub. Laws 1900 (Ex. Sess.), ch. 2.

Sec. 6

Const. 1868, art. VI, § 3; rewritten, Pub. Laws 1900  
(Ex. Sess.), ch. 2.

Sec. 7

Const. 1868, art. VI, § 4; rewritten, Pub. Laws 1900  
(Ex. Sess.), ch. 2.



(Sec. 5.) [Indivisible plan; legislative intent.] That this Amendment to the Constitution is presented and adopted as one indivisible plan for the regulation of the suffrage, with the intent and purpose to so connect the different parts and to make them so dependent upon each other, that the whole shall stand or fall together.

(Sec. 6.) [Elections by people and General Assembly.] All elections by the people shall be by ballot, and all elections by the General Assembly shall be viva voce.

(Sec. 7.) [Eligibility to office; official oath.] Every voter in North Carolina, except as in this article disqualified, shall be eligible to office, but before entering upon the duties of the office, he shall take and subscribe the following oath:

"I, ....., do solemnly swear, (or affirm) that I will support and maintain the Constitution and laws of the United States, and the Constitution and laws of North Carolina, not inconsistent therewith, and that I will faithfully discharge the duties of my office, as ...  
....., so help me God."

Sec. 8

Const. 1868, art. VI, § 5; rewritten, Pub. Laws 1900  
(Ex. Sess.), ch. 2.

Sec. 9

Pub. Laws 1900 (Ex. Sess.), ch. 2.

(Sec. 8.) [Disqualification for office.]

The following classes of persons shall be disqualified for office: First, all persons who shall deny the being of Almighty God. Second, all persons who shall have been convicted, or confessed their guilt on indictment pending, and whether sentenced or not, or under judgment suspended, of any treason or felony, or of any other crime for which the punishment may be imprisonment in the Penitentiary, since becoming citizens of the United States, or of corruption or mal-practice in office; unless such person shall be restored to the rights of citizenship in a manner prescribed by law.

(Sec. 9.) [When this chapter operative.]

That this Amendment to the Constitution shall go into effect on the first day of July, nineteen hundred and two, if a majority of votes cast at the next General Election shall be cast in favor of this suffrage amendment.

ARTICLE VII

Sec. 1

Const. 1868, art. VII, § 1.

Sec. 2

Const. 1868, art. VII, § 2.

Sec. 3

Const. 1868, art. VII, § 3.

## Article VII.

### Municipal Corporations.

Section 1. [County officers.] In each county, there shall be elected, biennially, by the qualified voters thereof, as provided for the election of members of the General Assembly, the following officers, a Treasurer, Register of Deeds, Surveyor and five Commissioners.

Sec. 2. [Duty of county commissioners.] It shall be the duty of the Commissioners to exercise a general supervision and control of the penal and charitable institutions, schools, roads, bridges, levying of taxes and finances of the county, as may be prescribed by law. The Register of Deeds shall be, ex officio, Clerk of the Board of Commissioners.

Sec. 3. [Counties to be divided into districts.] It shall be the duty of the Commissioners, first elected in each county, to divide the same into convenient districts, to determine the boundaries and prescribe the names of the said districts, and report the same to the General Assembly before the first day of January, 1869.

Sec. 4

Const. 1868, art. VII, § 4.

Sec. 5

Const. 1868, art. IV, § 30; rewritten, Pub. Laws 1937, ch. 241; transferred, rewritten, and renumbered, Sess. Laws 1961, ch. 313, § 4.

Sec. 6

Const. 1868, art. VII, § 7; rewritten, Sess. Laws 1947, ch. 34; renumbered, Sess. Laws 1961, ch. 313, § 5.

Sec. 4. [Townships have corporate powers.]

Upon the approval of the reports provided for in the foregoing section, by the General Assembly, the said districts shall have corporate powers for the necessary purposes of local government and shall be known as townships[.]

Sec. 5. Sheriffs. In each county a Sheriff shall be elected by the qualified voters thereof as is prescribed for members of the General Assembly, and shall hold his office for a period of four years. In case of a vacancy existing for any cause in any Sheriff's office, the governing authority of the county shall fill such vacancy by appointment for the unexpired term.

Sec. 6. No debt or loan except by a majority of voters. No county, city, town, or other municipal corporation shall contract any debt, pledge its faith or loan its credit, nor shall any tax be levied or collected by any officers of the same except for the necessary expenses thereof, unless approved by a majority of those who shall vote thereon in any election held for such purpose.

Sec. 7

Const. 1868, art. VII, § 8; renumbered, Sess. Laws 1961, ch. 313, § 5.

Sec. 8

Const. 1868, art. VII, § 12; renumbered, Pub. Laws 1935, ch. 248, § 1; renumbered, Sess. Laws 1961, ch. 313, § 5.

Sec. 9

Const. 1868, art. VII, § 13; renumbered, Pub. Laws 1935, ch. 248, § 1; renumbered, Sess. Laws 1961, ch. 313, § 5.

Sec. 10

Conv. 1875, ch. 25; renumbered, Pub. Laws 1935, ch. 248, § 1; rewritten, Sess. Laws 1961, ch. 313, § 6.



Sec. 7. [No money drawn except by law.] No money shall be drawn from any County or Township Treasury, except by authority of law.

Sec[.] 8. [Charters to remain in force until legally changed.] All charters[, ] ordinances and provisions relating to municipal corporations, shall remain in force until legally changed, unless inconsistent with the provisions of this Constitution.

Sec. 9. [Debts in aid of rebellion not to be paid.] No county, city, town, or other municipal corporation, shall assume or pay, nor shall any tax be levied or collected, for the payment of any debt, or the interest upon any debt, contracted, directly or indirectly, in aid or support of the rebellion.

Sec. 10. Powers of General Assembly over municipal corporations. The General Assembly shall have full power by statute to modify, change, or abrogate any and all of the provisions of this Article, and substitute others in their place, except Sections 5, 6, 7, and 9.

## ARTICLE VIII

### Sec. 1

Const. 1868, art. VIII, § 1; rewritten, Pub. Laws 1915,  
ch. 99.

### Sec. 2

Const. 1868, art. VIII, § 2.

## Article VIII.

### Corporations other than Municipal

#### Section 1. [Corporations under general laws.]

No corporation shall be created nor shall its charter be extended, altered, or amended by special act, except corporations, for charitable, educational, penal, or reformatory purposes that are to be and remain under the patronage and control of the State; but the General Assembly shall provide by general laws for the cha[r]tering and organization of all corporations, and for amending, extending, and forfeiture of all charters, except those above permitted by special act. All such general laws and special acts may be altered from time to time or repealed; and the General Assembly may at any time by special act repeal the charter of any corporation.

#### Sec. 2. [Debts of corporations, how secured.]

Dues from corporations shall be secured by such individual liabilities of the corporations and other means, as may be prescribed by law.

Sec. 3

Const. 1868, art. VIII, § 3.

Sec. 4

Const. 1868, art. VIII, § 4; rewritten, Pub. Laws 1915,  
ch. 99.

Sec. 3. [What corporations shall include.] The term corporation, as used in this Article, shall be construed to include all associations and jointstock companies, having any of the powers and privileges of corporations, not possessed by individuals or partnerships. And all corporations shall have the right to sue, and shall be subject to be sued, in all courts, in like cases as natural persons.

Sec. 4. [Legislature to provide for organizing cities, towns, etc.] It shall be the duty of the Legislature to provide by general laws for the organization of cities, towns, and incorporated villages, and to restrict their power of taxation, assessment, borrowing money, contracting debts, and loaning their credit, so as to prevent abuses in assessment and in contracting debts by such municipal corporations.

## ARTICLE IX

### Sec. 1

Const. 1868, art. IX, § 1.

### Sec. 2

Const. 1868, art. IX, § 2; amended, Conv. 1875, ch. 26.

### Sec. 3

Const. 1868, art. IX, § 3; amended, Pub. Laws 1917, ch. 192.

## Article IX

### Education

Section 1. [Education shall be encouraged.]

Religion, morality, and knowledge being necessary to good government and happiness of mankind, schools, and the means of education, shall forever be encouraged.

Section 2[.] [General Assembly shall provide for schools; separation of the races.] The General Assembly at its first session under this Constitution, shall provide by taxation and otherwise for a general and uniform system of Public Schools, wherein tuition shall be free of charge to all the children of the State between the ages of six and twenty-one years. And the children of the white race and the children of the colored race shall be taught in separate public schools, but there shall be no discrimination in favor of, or to the prejudice of either race.

Section 3[.] [Counties to be divided into districts.] Each County of the State shall be divided into a convenient number of Districts, in which one or more Public Schools shall be maintained, at least six months in every year; and if the Commissioners

Sec. 4

Const. 1868, art. IX, § 4; rewritten, Conv. 1875, ch. 27.

Sec. 5

Const. 1868, art. IX, § 4; rewritten, Conv. 1875, ch. 27.



of any County shall fail to comply with the aforesaid requirement of this section, they shall be liable to indictment.

Sec. 4. [What property devoted to educational purposes.] The proceeds of all lands that have been or hereafter may be granted by the United States to this State, and not otherwise appropriated by this State or the United States; also, all moneys, stocks, bonds and other property now belonging to any State fund for purposes of education; also the net proceeds of all sales of the swamp lands belonging to the State, and all other grants, gifts or devises that have been or hereafter may be made to this State and not otherwise appropriated by the State or by the term of the grant, gift or devise, shall be paid into the State treasury; and, together with so much of the ordinary revenue of the State as may be by law set apart for that purpose, shall be faithfully appropriated for establishing and maintaining in this State a system of free public schools, and for no other uses or purposes whatsoever.

Sec. 5. [County school fund; proviso.] All moneys, stocks, bonds and other property belonging to a county school fund; also, the net

Sec. [6] 5

Const. 1868, art. IX, §§ 5, 13, 14, and 15; rewritten,  
Pub. Laws 1871-72, ch. 53, and Pub. Laws 1872-73, ch. 86.

proceeds from the sale of estrays; also, the clear proceeds of all penalties and forfeitures, and of all fines collected in the several counties for any breach of the penal or military laws of the State; and all moneys which shall be paid by persons as an equivalent for exemption from military duty, shall belong to and remain in the several counties, and shall be faithfully appropriated for establishing and maintaining free public schools in the several counties of this State: Provided, That the amount collected in each county shall be annually reported to the Superintendent of Public Instruction.

Section [6] 5.<sup>3</sup> [Election of trustees and provisions for maintenance of the University.] The General Assembly shall have power to provide for the election of trustees of the University of North Carolina, in whom, when chosen, shall be

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3. The Convention of 1875, by Chapter 27 of its Ordinances, inserted a new Sec. 5 without providing for the renumbering of the subsequent sections of Article IX. In all later prints of the Constitution, this section on University trustees has been designated as Sec. 6 (as indicated above in brackets), although the official number appears never to have been changed.

Sec. [7] 6

Const. 1868, art. IX, § 6.

Sec. 8

Const. 1868, art. IX, § 7; amended, Pub. Laws 1871-72, ch. 53, and Pub. Laws 1872-73, ch. 84; rewritten, Pub. Laws 1941, ch. 151, § 1; rewritten, Sess. Laws 1943, ch. 468.

Const. 1868, art. IX, §§ 8, 11, and 12; rewritten, Pub. Laws 1941, ch. 151, § 1; rewritten, Sess. Laws 1943, ch. 468.

vested all the privileges[, ] rights, franchises and endowments heretofore in anywise granted to or conferred upon the trustees of said University; and the General Assembly may make such provisions, laws and regulations from time to time, as may be necessary and expedient for the maintenance and management of said University.

Section [7] 6. [Benefits of the University.] The General Assembly shall provide that the benefits of the University, as far as practicable, be extended to the Youth of the State free of expense for tuition; also, that all the property which has heretofor[e] accrued to the State, or shall hereafter accrue from escheats, unclaimed dividends or distributive shares of the estates of deceased persons, shall be appropriated to the use of the University.

Sec. 8. State Board of Education. The general supervision and administration of the free public school system, and of the educational funds provided for the support thereof, except those mentioned in Section five of this Article, shall, from and after the first day of April, one thousand nine hundred and forty-five, be vested in the State Board of Education to consist of the Lieutenant



Governor, State Treasurer, the Superintendent of Public Instruction, and ten members to be appointed by the Governor, subject to confirmation by the General Assembly in joint session. The General Assembly shall divide the State into eight educational districts, which may be altered from time to time by the General Assembly. Of the appointive members of the State Board of Education, one shall be appointed from each of the eight educational districts, and two shall be appointed as members at large. The first appointments under this section shall be: Two members appointed from educational districts for terms of two years; two members appointed from educational districts for terms of four years; two members appointed from educational districts for terms of six years; and two members appointed from educational districts for terms of eight years. One member at large shall be appointed for a period of four years and one member at large shall be appointed for a period of eight years. All subsequent appointments shall be for terms of eight years. Any appointments to fill vacancies shall be made by the Governor for the unexpired term, which appointments shall not be subject to confirmation. The State Superintendent of Public Instruction shall be the

Sec. 9

Const. 1868, art. IX, §§ 9, 10, 11, and 12; rewritten,  
Pub. Laws 1941, ch. 151, § 2.



administrative head of the public school system and shall be secretary of the board. The board shall elect a chairman and vice-chairman. A majority of the board shall constitute a quorum for the transaction of business. The per diem and expenses of the appointive members shall be provided by the General Assembly.

Sec. 9. Powers and Duties of the Board. The State Board of Education shall succeed to all the powers and trusts of the President and Directors of the Literary Fund of North Carolina and the State Board of Education as heretofore constituted. The State Board of Education shall have power to divide the State into a convenient number of school districts; to regulate the grade, salary and qualifications of teachers; to provide for the selection and adoption of the textbooks to be used in the public schools; to apportion and equalize the public school funds over the State; and generally to supervise and administer the free public school system of the State and make all needful rules and regulations in relation thereto. All the powers enumerated in this section shall be exercised in conformity with this Constitution and subject to such laws as may be enacted from time to time by the General Assembly.

Sec. 10

Const. 1868, art. IX, § 16; renumbered, Pub. Laws 1941,  
ch. 151, § 3.

Sec. 11

Const. 1868, art. IX, § 17; renumbered, Pub. Laws 1941,  
ch. 151, § 3.

Sec. 12

Sess. Laws 1956 (Ex. Sess.), ch. 1.

Section 10[.] [Agricultural department.] As soon as practicable after the adoption of this Constitution, the General Assembly shall establish and maintain, in connection with the University, a Department of Agriculture, of Mechanics, of Mining and of Normal Instruction.

Section 11[.] [Children must attend school.] The General Assembly is hereby empowered to enact that every child of sufficient mental and physical ability, shall attend the Public Schools during the period between the ages of six and eighteen years, for a term of not less than sixteen months, unless educated by other means.

§ 12. Education expense grants and local option. Notwithstanding any other provision of this Constitution, the General Assembly may provide for payment of education expense grants from any State or local public funds for the private education of any child for whom no public school is available or for the private education of a child who is assigned against the wishes of his parent, or the person having control of such child, to a public school attended by a child of another race. A grant



shall be available only for education in a non-sectarian school, and in the case of a child assigned to a public school attended by a child of another race, a grant shall, in addition, be available only when it is not reasonable and practicable to reassign such child to a public school not attended by a child of another race.

Notwithstanding any other provision of this Constitution, the General Assembly may provide for a uniform system of local option whereby any local option unit, as defined by the General Assembly, may choose by a majority vote of the qualified voters in the unit who vote on the question to suspend or to authorize the suspension of the operation of one or more or all of the public schools in that unit.

No action taken pursuant to the authority of this Section shall in any manner affect the obligation of the State or any political subdivision or agency thereof with respect to any indebtedness heretofore or hereafter created.

ARTICLE X

Sec. 1

Const. 1868, art. X, § 1.

Sec. 2

Const. 1868, art. X, § 2.

## Article X

### Hom[e]steads and Exemptions

Section 1[.] [Exemptions of personal property.]

The personal property of any resident of this State, to the value of five hundred dollars, to be selected by such resident, shall be, and is hereby exempted, from sale under execution, or other final process of any court, issued for the collection of any debt.

Section 2[.] [Homestead.] Every Homestead and the dwelling and buildings used therewith, not exceeding in value one thousand dollars, to be selected by the owner thereof, or in lieu thereof, at the option of the owner, any lot in a city, town or village, with the dwelling and buildings used thereon, owned and occupied by any resident of this State, and not e[x]ceeding the value of one thousand dollars, shall be exempt from sale under execution, or other final process, obtained on any debt. But no property shall be exempt from sale for taxes or for payment of obligations contracted for the purchase of said premises.

Sec. 3

Const. 1868, art. X, § 3.

Sec. 4

Const. 1868, art. X, § 4.

Sec. 5

Const. 1868, art. X, § 5.

Sec. 6

Const. 1868, art. X, § 6; amended, Sess. Laws 1955,  
ch. 1245; rewritten, Sess. Laws 1963, ch. 1209.



Section 3. [Homestead exemption from debt.] The Homestead, after the death of the owner thereof, shall be exempt from the payment of any debt, during the minority of his children, or any one of them.

Section 4. [Laborer's lien.] The provisions of section one and two of this Article shall not be so construed as to prevent a laborer's lien for work done and performed for the person claiming such exemption, or a mechanic's lien for work done on the premises[.]

Section 5[.] [Benefit of widow.] If the owner of a Homestead die, leaving a widow, but no children the same shall be exempt from the debts of her husband, and the rents and profits thereof shall inure to her benefit, during her widowhood, unless she be the owner of a Homestead, in her own right.

Section 6[.] [Property of married women secured to them.] The real and personal property of any female in this State acquired before marriage, and all property, real and personal, to which she may, after marriage, become in any manner entitled, shall be and remain the sole and separate estate and property of such female, and shall not be liable for any debts, obligations or engagements of her husband, and

Sec. 7

Const. 1868, art. X, § 7; amended, Pub. Laws 1931, ch. 262.

Sec. 8

Const. 1868, art. X, § 8; rewritten, Sess. Laws 1943,  
ch. 662.

may be devised and bequeathed and conveyed by her subject to such regulations and limitations as the General Assembly may prescribe. Every married woman may exercise powers of attorney conferred upon her by her husband, including the power to execute and acknowledge deeds to property owned by herself and her husband or by her husband.

Section 7[.] [Husband may insure his life for the benefit of wife and children.] The husband may insure his own life for the sole use and benefit of his wife and children, and in case of the death of the husband, the amount thus insured, shall be paid over to the wife and children, or the guardian, if under age, for her, or their own use, free from all the claims of the representatives of the husband, or any of his creditors. And the policy shall not be subject to claims of creditors of the insured during the life of the insured, if the insurance is issued for the sole use and benefit of the wife and/or children[.]

Sec. 8. [How deed for homestead may be made.] Nothing contained in the foregoing sections of this Article shall operate to prevent the owner of a homestead from disposing of the same by deed; but no deed made by the owner of a homestead shall be valid without the signature and acknowledgement of his wife.

## ARTICLE XI

### Sec. 1

Const. 1868, art. XI, § 1; amended, Conv. 1875, ch. 28.

## Article XI.

### Punishments, Penal Institutions and Public Charities.

Section 1. [Punishments; convict labor; proviso.]

The following punishments only, shall be known to the laws of this State, viz: death[, ] imprisonment, with, or without hard labor, fines, removal from office, and disqualification to hold and enjoy any office of honor, trust, or profit, under this State.

The foregoing provision for imprisonment with hard labor shall be construed to authorize the employment of such convict labor on public works, or highways, or other labor for public benefit, and the farming out thereof, where and in such manner as may be provided by law; but no convict shall be farmed out who has been sentenced on a charge of murder, manslaughter, rape, attempt to commit rape, or arson. Provided, That no convict whose labor may be farmed out shall be punished for any failure of duty as a laborer except by a responsible officer of the State; but the convicts so farmed out shall be at all times under the supervision and control, as to their government and discipline, of the Penitentiary Board, or some officer of this State.

Sec. 2

Const. 1868, art. XI, § 2.

Sec. 3

Const. 1868, art. XI, § 3.

Sec. 4

Const. 1868, art. XI, § 4.

Sec. 5

Const. 1868, art. XI, § 5.

Sec. 6

Const. 1868, art. XI, § 6.

Sec. 2. [Death punishment.] The object of punishments being not only to satisfy justice, but also to reform the offender, and thus prevent crime, murder, arson, burglary, and rape, and these only, may be punishable with death, if the General Assembly shall so enact.

Sec. 3. [Penitentiary.] The General Assembly shall, at its first meeting make provision for the erection and conduct of a State Prison or Penitentiary at some central and accessible point within the State.

Sec. 4. [Houses of correction.] The General Assembly may provide for the erection of Houses of Correction, where vagrants and persons guilty of misdemeanors shall be restrained and usefully employed.

Sec. 5. [House of refuge.] A House or Houses of Refuge may be established, whenever the public interest may require it, for the correction and instruction of other classes of offenders.

Sec. 6. [The sexes are to be separated.] It shall be required by competent legislation, that the Structure and superintendence of penal institutions of the State, the county jails, and city police prisons, secure the health, and comfort of the prisoners, and that male and female prisoners be never confined in the same room or cell.

Sec. 7

Const. 1868, art. XI, § 7.

Sec. 8

Const. 1868, art. XI, § 8.

Sec. 9

Const. 1868, art. XI, § 9.

Sec. 10

Const. 1868, art. XI, § 10; rewritten, Pub. Laws 1879,  
chs. 254, 314.



Sec. 7. [Provision for the poor and orphans.]  
Beneficent provision for the poor, the unfortunate and orphan, being one of the first duties of a civilized and a christian State, the General Assembly, shall at its first session, appoint and define the duties of a Board of Public Charities, to whom shall be intrusted the Supervision of all charitable and penal State institutions, and who shall annually report to the Governor upon their condition, with suggestions for their improvement.

Sec. 8. [Orphan houses.] There shall also, as soon as practicable, be measures devised by the State for the establishment of one or more orphan Houses, where destitute orphans may be cared for, educated and taught, some business or trade.

Sec. 9. [Inebriates and idiots.] It shall be the duty of the Legislature, as soon as practicable, to devise means for the education of idiots and inebriates.

Sec. 10. [Deaf mutes, blind, and insane.] The General Assembly may provide that the indigent deaf mutes, blind and insane of the State shall be cared for at the charge of the State.

Sec. 11

Const. 1868, art. XI, § 11.

Sec. 11. [Self-supporting.] It shall be steadily kept in view by the Legislature, and the Board of Public Charities that all penal and charitable institutions should be made as nearly self-supporting as is consistent with the purposes of their creation[.]

## ARTICLE XII

### Sec. 1

Const. 1868, art. XII, § 1.

### Sec. 2

Const. 1868, art. XII, § 2.

### Sec. 3

Const. 1868, art. XII, § 3.

### Sec. 4

Const. 1868, art. XII, § 4.

## Article XII.

### Militia

Section 1. [Who are liable to militia duty.] All able bodied male citizens of the State of North Carolina between the ages of twenty one and forty years who are citizens of the United States, shall be liable to duty in the Militia: Provided, That all persons who may be averse to bearing arms, from religious scruples, shall be exempt therefrom.

Sec. 2. [Organizing, etc.] The General Assembly shall provide for the organizing, arming, equipping and discipline of the Militia and for paying the same when called into active service.

Sec. 3. [Governor commander-in-chief.] The Governor shall be Commander in Chief, and have power to call out the Militia to execute the law[,] suppress riots and insurrections and to repel invasion.

Sec. 4. [Exemptions.] The General Assembly shall have power to make such exemptions as may be deemed necessary, and to enact laws that may be expedient for the government of the Militia.

## ARTICLE XIII

### Sec. 1

Const. 1868, art. XIII, § 1; rewritten, Conv. 1875, ch. 29.

### Sec. 2

Const. 1868, art. XIII, § 2; rewritten, Conv. 1875, ch. 29.

## Article XIII.

### Amendments

Section 1. [Convention, how called.] No Convention of the people of this State shall ever be called by the General Assembly, unless by the concurrence of two-thirds of all of the members of each House of the General Assembly, and except the proposition, Convention or No Convention, be first submitted to the qualified voters of the whole State, at the next general election, in a manner to be prescribed by law. And should a majority of the votes cast be in favor of said Convention, it shall assemble on such day as may be prescribed by the General Assembly.

Sec. 2. [How the Constitution may be altered.] No part of the Constitution of this State shall be altered unless a bill to alter the same shall have been agreed to by three-fifths of each House of the General Assembly. And the amendment or amendments so agreed to shall be submitted at the next general election to the qualified voters of the whole State, in such manner as may be prescribed by law. And in





the event of their adoption by a majority of  
the votes cast, such amendment or amendments shall  
become a part of the Constitution of this State.

ARTICLE XIV

Sec. 1

Const. 1868, art. XIV, § 1.

Sec. 2

Const. 1868, art. XIV, § 2.

Sec. 3

Const. 1868, art. XIV, § 3.

Sec. 4

Const. 1868, art. XIV, § 4.

## Article XIV.

### Miscellaneous.

Sec. 1. [Indictments.] All indictments which shall have been found, or may hereafter be found, for any crime or offence committed before this Constitution takes effect may be proceeded upon in the proper courts, but no punishment shall be inflicted which is forbidden by this Constitution.

Sec. 2. [Penalty for fighting duel.] No person who shall hereafter fight a duel, or assist in the same as a second, or send, accept, or knowingly carry a challenge therefor, or agree to go out of the State to fight a duel, shall hold any office in this State.

Sec. 3. [Drawing money.] No money shall be drawn from the Treasury but in consequence of appropriations made by law; and an accurate account of the receipts and expenditures of the public money shall be annually published.

Sec. 4. [Mechanic's lien.] The General Assembly shall provide by proper legislation, for giving to mechanics and laborors an adequate lien on the subject matter of their labor.

Sec. 5

Const. 1868, art. XIV, § 5.

Sec. 6

Const. 1868, art. XIV, § 6; rewritten, Sess. Laws 1961,  
ch. 466, § 5.

Sec. 7

Const. 1868, art. XIV, § 7; rewritten, Pub. Laws 1871-72,  
ch. 53, and Pub. Laws 1872-73, ch. 88; amended, Sess. Laws 1943,  
ch. 432; rewritten, Sess. Laws 1961, ch. 313, § 7.

Sec. 5. [Governor to make appointments.] In the absence of any contrary provision, all officers of this State, whether heretofore elected, or appointed by the Governor shall hold their positions only, until other appointments are made by the Governor, or, if the offices are elective, until their successors shall have been chosen and duly qualified, according to the provisions of this Constitution.

Sec. 6. Seat of Government. The permanent seat of Government in this State shall be at the City of Raleigh.

Sec. 7. Dual office-holding. No person who shall hold any office or place of trust or profit under the United States or any department thereof, or under this State, or under any other state or government, shall hold or exercise any other office or place of trust or profit under the authority of this State, or be eligible to a seat in either house of the General Assembly: Provided, that nothing herein contained shall extend to officers in the militia, notaries public, commissioners of public charities, or commissioners for special purposes.

Sec. 8

Conv. 1875, ch. 30.

Sec. 8. [Intermarriage of whites and  
Negroes prohibited.] All marriages between a  
white person and a negro, or between a white  
person and a person of negro descent to the  
third generation inclusive, are hereby forever  
prohibited.

Done in Convention at Raleigh, the sixteenth  
day of March in the year of our Lord, one thousand  
eight hundred and sixty eight, and of the Indepen-  
dence of the United States, the ninety second.

Calvin J Cowles

Pres.<sup>dt</sup> Const.<sup>1</sup> Conv.<sup>tn</sup>

T A Byrnes

Secretary

Henry M Ray

Jere Smith

Henry E. Chilson

George Tucker

W.<sup>m</sup> Stilly Beaufort Co.

Will. B. Rodman "

Parker D. Robbins

William A. Mann of Cumberland,

Bryant Lee

Abial W. Fisher





Fred. F. French  
John S Parkes  
T. J. Candler Buncombe County  
W.<sup>m</sup> T. Blume  
Calvin C Jones  
Abraham Congleton  
W. T. Gunter  
George W. Dickey  
John R. French,  
David Heaton  
W. H. S. Sweet.  
Clinton D. Pearson  
Isaac Kinney  
S. S. Mulican  
Wilson Carey  
Milton Hobbs  
Samuel Highsmith  
J. W. Peterson  
E B Teague  
H C Cherry  
J T Harris  
M. J. Aydlott  
T. D. Hoffler of Gates  
John M. Patrick  
John.H. Williamson of Franklin  
G. William Welker



A. W. Tourgee  
W. T. J. Hayes  
Henry Epps  
James, Madison, Turner  
W. G. B. Garrett  
J. H. Duckworth  
Andrew J. Glover  
W. H. George  
James Hay Johnston County  
Nathan Gully Johnson County  
David D. Colgrove  
Geo. W. Gahagan  
Samuel. Washington Watts  
W. A. B. Murphy  
Silas N. Stilwell Mecklenburg  
Edward Fullings " "  
Geo A Graham, of Montgomery.  
Lucien M. S. McDonald  
Jacob, Ing,  
Joseph C. Abbott New Hanover  
Samuel S. Ashley  
A. H Galloway  
Roswell C. Parker. Northampton Co  
Henry,T, Grant  
Charles C. Pool Pasquotank  
William Nicholson of Perquimans.



D. J. Rich  
Byron Laflin Pitt Co  
Jesse Rhodes  
Reuben. F. Trogden, Randolph  
Talton L. L. Cox       "  
R. T. Long Richmond Co.  
O. S. Hayes of Robeson Co  
J. L. Nance       do  
John. H. French  
Allen Rose Rowan  
William H. Logan Rutherford  
Sylvester, Carter, of, Sampson Co.  
Lorenzo D. Hall       "  
Levi C. Morton, Stanly  
Riley F. Petree of Stokes  
Saml. Forkner Surry  
John M. Marshall Surry  
E. W. Jones of Washington & Tyrrel  
William Newsom Union  
J. P. Andrews, Wake.  
Stokes. D. Franklin "  
J. H. Harris  
John A. Hyman Warren  
Jno. Read. Warren, Co  
Willie Daniel Wilson Co  
Jesse Hollowell Wayne Co.



H. L. Grant

John Quincy Adams Bryan - Wilkes. Co.

E. Benbow Yadkin

E Legg of Brunswick

B S D Williams of Wake

J. W. Hood of Cumberland

John H Renfrow Halifax Co

Matchet Taylor Camden

Cuffee Mayo

Richard. W. King of Lenoir

J. W. Ragland







